

**CITY COUNCIL
ATLANTA, GEORGIA**

02-0-1447

**AN ORDINANCE
BY COUNCILMEMBER JIM MADDOX
AS SUBSTITUTED BY FINANCE/EXECUTIVE COMMITTEE**

**AN ORDINANCE TO PROVIDE FOR THE ANNEXATION
OF LAND TO THE CORPORATE LIMITS OF THE CITY
OF ATLANTA, GEORGIA; TO PROVIDE FOR THE
NOTIFICATION OF THE DEPARTMENT OF
COMMUNITY AFFAIRS OF THE STATE OF GEORGIA
OF SUCH ANNEXATION; AND FOR OTHER PURPOSES**

WHEREAS, the owner of real property (the "Applicant") has applied to the City of Atlanta for annexation ("the Application") of certain property located on Camp Creek Parkway, consisting of 41.49 acres, as more fully described and delineated in Exhibit "A" attached hereto (the "Property"); and


WHEREAS, the Applicant has stated that the purpose of the proposed annexation is to allow for the unified development of more than 475 acres of land in southwest Atlanta for mixed use purposes, including single family residential uses, office uses, and commercial uses of land; and

WHEREAS, the City of Atlanta has determined that the Property is contiguous to the existing corporate limits of the City of Atlanta in excess of the minimum amount required for such annexations under O.C.G.A. § 36-36-1 *et seq.*; and

WHEREAS, the City of Atlanta has determined that the Applicant is the title holder of record of 100% of the privately owned land within the Property, as evidenced by the Clerk of the Superior Court of Fulton County, Georgia; and

WHEREAS, the landowner submitted an application to the City of Atlanta on April 26, 2002 to zone the subject property to the Planned Development Mixed Use (PDMU) zoning category under the City of Atlanta Zoning Ordinance, said application being attached hereto and incorporated herein as Exhibit "B"; and

WHEREAS, the City of Atlanta has completed all of the zoning procedures set forth in



O.C.G.A. § 36-66-4(d) governing such procedures for the zoning of land to be annexed into a municipality; and

WHEREAS, the hearing on the zoning application before the Zoning Review Board was conducted prior to the adoption of this ordinance as required under O.C.G.A. § 36-66-4(d)(1); and

WHEREAS, the zoning classification approved by the City of Atlanta for the property which is the subject of the proposed annexation shall become effective on the later date of the date of the zoning is approved by the City of Atlanta or the date that the annexation becomes effective as required by O.C.G.A. § 36-36-2; and

WHEREAS, the City of Atlanta has lawfully provided notice to Fulton County, Georgia of all required information including notice of the City of Atlanta's receipt of the Application for annexation of the Property; and

WHEREAS, Fulton County, Georgia, by and through the official act of the Fulton County Board of Commissioners, has withdrawn any and all objections to the proposed land use classification;

WHEREAS, the City of Atlanta has lawfully provided notice to the City of East Point, Georgia, a municipal corporation, of all required information including notice of the City of Atlanta's receipt of the Application for annexation of the Property; and


WHEREAS, the City of East Point, Georgia, a municipal corporation, took no action, by and through its governing authority as required, to raise any objection to the land use classification within twenty-one days of the receipt of the City of Atlanta notice as required by the Intergovernmental Agreement Regarding Land Annexation Dispute Resolution (the "Agreement"); and

WHEREAS, a letter dated July 8, 2002 asserting an objection to the proposed annexation on the basis of infrastructure was signed by the City of East Point City Manager and was received by the Municipal Clerk of the City of Atlanta on July 16, 2002; and

WHEREAS, the City of East Point governing authority ratified the City of East Point City Manager's July 8, 2002 land use objection letter on August 5, 2002, more than twenty-one (21) days after receipt of the City of Atlanta notice; and

WHEREAS, the City of East Point provided no land use classification objection within twenty-one (21) days of receipt of the City of Atlanta notice as required by the Agreement; and

WHEREAS, Section 2(e) of the Agreement provides that if the City of East Point does not provide a land use objection within twenty-one (21) days of the receipt of the City of Atlanta notice, then the annexing City is free to proceed with the Annexation of the Property and East



Point is prohibited from invoking the dispute resolution process outlined in the Agreement and prohibited from seeking to stop or delay the annexation of the Property or objection to any land use changes to the Property following the Annexation; and

WHEREAS, the City of Atlanta has held a public hearing regarding the Application and the Council's consideration thereof and has complied with all other applicable laws, ordinances, and agreements with respect to the processing of the Application; and

WHEREAS, the City of Atlanta has authority pursuant to O.C.G.A. § 36-36-1 *et seq.* to annex certain property into the corporate limits of the City of Atlanta, and that the Mayor and Council of the City of Atlanta determine that the annexation of the Property would be in the best interest of the residents and property owners of the area to be annexed and of the citizens of the City of Atlanta; and

WHEREAS, any proposed annexation must be approved by the United States Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965; and

WHEREAS, the City of Atlanta has determined that the Application meets the requirements of law pursuant to O.C.G.A. § 36-36-1 *et seq.*; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

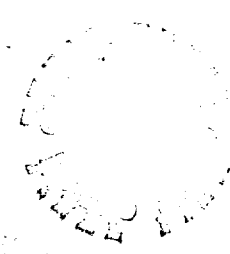
Section 1. The Property is hereby annexed to the existing corporate limits of the City of Atlanta, Georgia, pending approval by the United States Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965.

Section 2. There is hereby filed, as part of this Ordinance and identified as Exhibit A, a complete survey and legal description of the annexed land.

Section 3. The Municipal Clerk is hereby authorized and directed to submit to the United States Department of Justice all necessary documentation required for the Department's review and approval of the annexation pursuant to Section 5 of the Voting Rights Act of 1965.

Section 4. The Municipal Clerk is hereby authorized and directed to file a report identifying property annexed with the Department of Community Affairs of the State of Georgia and with the governing authority of Fulton County as required by O.C.G.A. § 36-36-3, and to take all other actions required by law with regard to the adoption of this ordinance and the annexation of the Property.

Section 5. The Ordinance shall become effective immediately for school enrollment purposes and for all other purposes in accordance with applicable provisions of Georgia law, contingent upon approval of the annexation by the United States



Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965.

Section 6.

All Ordinances, or parts of Ordinances in conflict with the terms of this Ordinance are hereby repealed; but it is hereby provided that any Ordinance or law, which may be applicable hereto and aid in carrying out the intent, purpose and provisions hereof, shall be liberally construed to be in favor of the City of Atlanta and is hereby adopted as a part hereof.

A true copy,

Rhonda Daughlin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

OCT 07, 2002
OCT 15, 2002

SURVEY REFERENCES:


PLAN BY ESTON ROULEY & ASSOCIATES, INC.
FOR ATLANTIC INTERNATIONAL RESORT DATED FEB. 18, 1961

COMPOSITE PLAN BY JAMES FRUETT & ASSOCIATES, P.C.
FOR ATLANTIC INTERNATIONAL RESORT, INC. DATED NOVEMBER 14, 1960

NOTES OF THE SURVEY FURNISHED BY THE ARCHITECT

SURVEY FOR :
THE BENTLEY GROUP, LTD.

LOCATED IN L.L. 2 & 36
14th FF DISTRICT
FULTON COUNTY, GA.
CITY OF ATLANTA



**GASKINS SURVEYING &
ENGINEERING COMPANY**

1700 POWERS SPRINGS ROAD
HAWNETT, GEORGIA 30024
PHONE 770-424-7100
FAX 770-474-7583

1991

PLAN AND IS IN ZONE A7; ACCORDING TO F.E.M.A. (F.L.A.)
COMMUNITY NUMBER 13057 ZONE 5 DATED MARCH 5, 1967

STANGE

EXHIBIT A

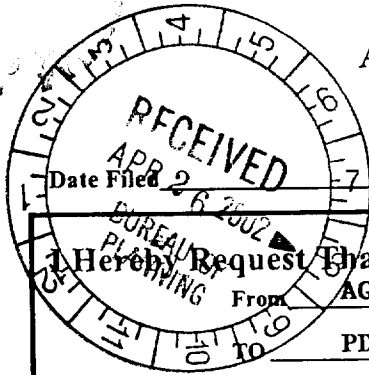
PROPERTY LINE DESCRIPTION FULTON COUNTY TRACT

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 1 OF THE 14TH. FF DISTRICT, FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF LAND LOT 1
THENCE FOLLOWING THE NORTHERLY LINE OF LAND LOT 1
NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 2975.06 FEET TO THE NORTHEASTERLY CORNER OF LAND LOT 1 THENCE FOLLOWING THE EASTERLY LINE OF LAND LOT 1
SOUTH 00 DEGREES 55 MINUTES 32 SECONDS WEST, 972.78 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF CAMP CREEK PARKWAY (A VARIABLE R/W)
THENCE FOLLOWING SAID NORTHERLY RIGHT OF WAY
NORTH 85 DEGREES 51 MINUTES 02 SECONDS WEST, 483.57 FEET TO A POINT;
THENCE NORTH 73 DEGREES 28 MINUTES 35 SECONDS WEST, 199.01 FEET TO A POINT;
THENCE NORTH 73 DEGREES 27 MINUTES 34 SECONDS WEST, 649.64 FEET TO A POINT;
THENCE NORTH 16 DEGREES 16 MINUTES 12 SECONDS EAST, 30.27 FEET TO A POINT;
THENCE NORTH 73 DEGREES 36 MINUTES 41 SECONDS WEST, 200.06 FEET TO A POINT;
THENCE NORTH 16 DEGREES 22 MINUTES 41 SECONDS EAST, 45.57 FEET TO A POINT;
THENCE NORTH 73 DEGREES 33 MINUTES 34 SECONDS WEST, 650.59 FEET TO A POINT;
THENCE SOUTH 13 DEGREES 57 MINUTES 56 SECONDS WEST, 25.08 FEET TO A POINT;
THENCE NORTH 79 DEGREES 07 MINUTES 13 SECONDS WEST, 352.88 FEET TO A POINT;
THENCE NORTH 73 DEGREES 25 MINUTES 41 SECONDS WEST, 548.55 FEET TO A POINT;
THENCE LEAVING SAID NORTHERLY RIGHT OF WAY
NORTH 02 DEGREES 56 MINUTES 21 SECONDS EAST, 184.28 FEET TO A POINT;
SAID POINT BEING THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINS 41.49 ACRES.

EXHIBIT A



APPLICATION FOR REZONING

City of Atlanta

Application Number 2-02-41

I Herby Request That The Property Described in this Application be Rezoned

From AG-1 District

TO PDMU District

Name of Applicant The Bentley Group, Ltd.

Last Name First Name M.I.

address 6195 street name Barfield Road, Suite 100

city Atlanta state GA zip code 30328

phone (404)255-0011 Fax (404)255-7207

Name of Property Owner Nelson, Larry c/o The Bentley Group, Ltd.

Last Name First Name M.I.

address 6195 street name Barfield Road, Suite 100

city Atlanta state GA zip code 30328

phone (404) 255-0011 Fax (404) 255-7207

Description of Property

Address of Property _____ street name Camp Creek Parkway

city Atlanta state GA zip code 30328

The subject property fronts 3185 feet on the North side of Camp Creek Pkwy

beginning approx. 4800 feet from the West corner of I-285 exit ramp


Depth: varies Area: _____ Land Lot: 1 Land District: 14FF-Fulton County, GA.

Property is zoned: AG-1 Council District: 11 Neighborhood Planning Unit: adjacent to P

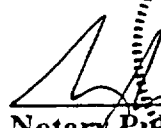
EXHIBIT B

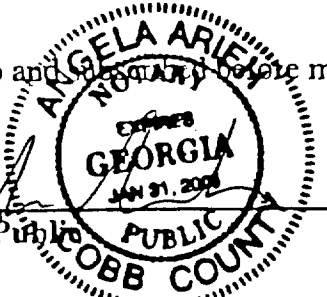
- C. **CONDITIONAL ZONING.** If the request is for conditional zoning based on a site plan please submit fourteen (14) copies of the site plan prepared by a registered architect or landscape architect, or a planner holding the AICP designation. Architects and landscape architects must be registered in the State of Georgia. All site plans shall show the location of existing and proposed buildings, their square footage and heights. Parking spaces and loading areas must also be shown. All plans for multi-family housing units must include, on the site plan, a summary of calculations in accordance with the Land Use Intensity System (see Chapter 8 of the Zoning Ordinance).
- D. **PLANNED DEVELOPMENT DISTRICTS.** If your request is for Planned Development District Zoning, you must comply with the requirements of Chapter 19 of the Zoning Ordinance and with the appropriate sub-district regulations for Planned Development Housing, Office-Commercial, Mixed-Use, or Business Park as appropriate.
- E. **PROPERTY DESCRIPTION.** A copy of a recent plat of survey prepared by an engineer or land surveyor registered in the State of Georgia must accompany each application. In addition, a written legal description must be submitted. In cases involving more than one contiguous property, a consolidated legal description of the property must be submitted.
- F. **HOUSING APPLICATION.** If the rezoning application contemplated the construction of one or more residential units, completed the attached Atlanta Public School form, *Attachment 3*.
- G. **DEVELOPMENTS OF REGIONAL IMPACT.** If your application meets the criteria shown on *Attachment 4*, you must complete a Development of Regional Impact Request for Review Form, *Attachment 5*.
- H. **TREE PRESERVATION.** Applicants must comply with requirements of the City of Atlanta Tree Ordinance, which requires that (10-2037(d), Sec. 158-102) "No permit shall be issued for the removal or destruction of any tree unless (1) A tree replacement plan meeting the requirements of Section 158-103 has been approved."
- I. **DISCLOSURE.** Submit a disclosure statement as described in *Attachment 6*.
- J. **HEARING DATES AND PROCESSING OF APPLICANTS.** See attached Zoning Review Board Schedule.
- K. **MEETING WITH NEIGHBORHOOD PLANNING UNIT.** (NPU) You must contact the appropriate Neighborhood Planning Unit (NPU) within two business days after filing your rezoning application to appear before them prior to the public hearing of the Zoning Review Board. The name and phone number of the contact for the NPU will be provided at the time of filing.
- L. **FEES.** See attached fee schedule, *Attachment 8*.
- M. **AUTHORIZATION TO INSPECT PREMISES.** I hereby authorize the staff of the Bureau of Planning of the City of Atlanta to inspect the premises, which are the subject of this rezoning application.

I swear and affirm that the information contained in this application is true and accurate to the best of my knowledge and belief.


The Bentley Group, Ltd.
Owner or Agent of Application (Applicant)

Sworn to and before me this 16th day of April, 2002.


Notary Public



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SAID TRACT OR PARCEL OF LAND CONTAINS 41.49 ACRES.

Sworn to and subscribed before me this _____ day of _____, 2____.

Notary Public

AUTHORIZATION BY PROPERTY OWNER

(Required only if applicant is not the owner of property subject to the proposed rezoning)

I, Larry G. Nelson as President of (OWNER'S NAME)
Atlanta International Resort, Inc.
SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT Camp
Creek Parkway as shown on legal description (PROPERTY ADDRESS).

AS SHOWN IN THE RECORDS OF Fulton COUNTY, GEORGIA, WHICH
IS THE SUBJECT MATTER OF THE ATTACHED APPLICATION. I AUTHORIZE THE
PERSON NAMED BELOW TO FILE THIS APPLICATION AS MY AGENT.

NAME OF APPLICANT

LAST NAME The Bentley Group LTD. FIRST NAME _____

ADDRESS 6195 STREET NAME Barfield Rd SUITE 152

CITY Atlanta STATE Ga ZIP CODE 30328

TELEPHONE NUMBER

AREA CODE 404 NUMBER 853 - 5050

40 Wilson Brockley

[Signature]
Signature of Owner

Larry G. Nelson
Print name of owner

Personally Appeared Before Me this 11 day of April, 2002

Beverly H. Mikesell
Notary Public

Notary Public, Cobb County, Georgia.
My Commission Expires March 27, 2003.